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By

(Signature of person mailing)

Andrea E. Dorigo

Reg. No. 47,532

(Typed or printed name of person)

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Sheikh Ahmad

Examiner: Unknown

APPLICATION NO.: PCT/US03/07138

Group Art Unit: Unknown

FILING DATE: 3/10/2003

TITLE: PROCESS FOR PREPARING CRYSTALLINE  
FORM I OF CABERGOLINE

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

## **PETITION FOR REVIVAL OF UNINTENTIONALLY ABANDONED APPLICATION** **UNDER 37 C.F.R. §1.137(b)**

Applicants respectfully petition for revival of the above-captioned international application. Pursuant to 35 USC 363, "[a]n international application designating the United States shall have the effect, from its international filing date under article 11 of the treaty, of a national application for patent regularly filed in the Patent and Trademark Office except as otherwise provided in section 102(e) of this title." The above-captioned international application designated the United States, was published in English as WO03/078392, and was filed on March 10 2003. Accordingly, per 35 USC 363, the above-captioned application has the effect of a "national application for patent regularly filed." Due to an inadvertent failure to docket the 30-month date from the priority date of March 15, 2002, Applicants neglected to either enter national phase in the U.S. or to file a continuation application in a timely fashion before the 30-month deadline expiration. The date of abandonment is the day after the expiration date of the 30-month period, that is, September 16, 2004.

A Petition to revive this application was originally submitted on October 28, 2005. However, the Petition was dismissed without prejudice per a Decision mailed by the USPTO on June 16 2006. As stated in the Petition, Applicants' submission of October 28 2005 included both a transmittal letter for a filing under 35 USC 371 (PTO-1390) and a transmittal letter for a "Utility Patent Application". Although it was Applicants' intention to enter the U.S. national phase of the PCT application under 35 USC 371, the filing was interpreted by the

USPTO as containing conflicting instructions and the application was treated as a filing under 35 USC 111. Since the reply did not claim benefit under 35 USC 120 and 37 CRF 1.78, the USPTO concluded that the application could not be treated as a continuation application. Accordingly, the application currently stands abandoned.

Pursuant to a telephone conversation on July 5 2006 between the undersigned attorney and attorney Anthony Smith of the Office of PCT Legal Administration, Applicants hereby submit a new Petition for revival of this application. A submission under 35 USC 371 to enter National Phase of this application is filed concurrently herewith.

Pursuant to 37 CRF 1.137(b), applicants also state the following:

a) the entire delay in either entering national phase in the U.S. or filing a continuation application from the due date of September 16, 2004 until the filing of a grantable petition under 37 CFR § 1.137(b) was unintentional;

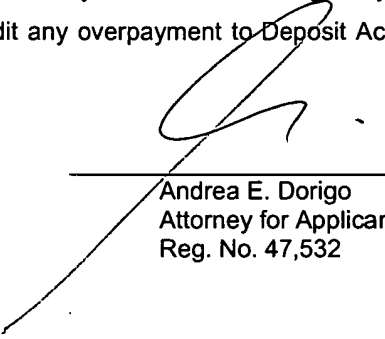
b) since this utility/plant application was filed on March 10, 2003, no terminal disclaimer is required; and

c) the petition fee is the fee for other than a small entity under 37 CFR § 1.17(m).

The Commissioner is hereby authorized to charge this fee to Deposit Account No. 16-1445.

The Commissioner is also hereby authorized to charge any fees required under 37 C.F.R. §§1.16 and 1.17 or to credit any overpayment to Deposit Account No. 16-1445. Two copies of this paper are enclosed.

Date: July 11, 2006



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